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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MULLINS, BURTON S

ART UNIT

PAPER NUMBER

2834

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/539,036	<b>Applicant(s)</b> UCHIUMI ET AL.	
	<b>Examiner</b> BURTON MULLINS	<b>Art Unit</b> 2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 29-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29,30,35 and 36 is/are rejected.
- 7) ☒ Claim(s) 31-34 and 37-40 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 29-30 and 35-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Narusawa (US 6,081,055). Narusawa teaches a vibration motor comprised of a motor body 20 (Figs.1B,2A-2C), a motor shaft 22 projecting from the motor body (Fig.1A), an eccentric weight 23 attached to the motor shaft 22 (Fig.1A), and an attaching means (holder frame) 30 (Figs.1A-1D&3A-3C) for supporting said motor body 20 in a horizontal prone posture at one surface of a board 100 (Fig.1a, board 100 illustrated in phantom), wherein the attaching means 30 has a pair of attachment faces (holding spring pieces) 33 straddling said motor shaft 22 and extending in parallel with the same at the two sides of a motor case 20 (Figs.1A-1D) and a plane including said pair of attachment faces 33 (i.e., “including” is construed as meaning the plane contains or ‘includes’ parts of the attachment faces 33) intersects with a circular orbit of the outermost point of the eccentric weight 23 at two points.

Regarding claim 30, parts of said pair of attachment faces 33 are positioned closer to said eccentric weight side than a center of gravity of said vibration motor itself (Figs.1A-1D) in the sense that the attachment faces 33 which extend along the entire length of the housing 20 include at least a portion which is closer to the eccentric weight side than a center of gravity of the vibration motor itself.

Regarding claims 35-36, the holding spring pieces 33 comprise “attachment rails” generally U-shaped in cross-section (Figs.3B&3C). Given that the holding spring pieces 33

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extend the length of the motor, parts can be considered positioned closer to the eccentric weight 23 side than the center of gravity of the motor.

*Allowable Subject Matter*

3. Claims 31-34 and 37-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 31, the prior art does not teach the claimed vibration motor including, inter alia, a distance between a center point of a line connecting said two points and a point where a diametrical line of said circular orbit passing through that center point intersects said circular orbit in a normal direction at a plane including said pair of attachment faces is at least the radius of said circular orbit and not more than the sum of said radius and the thickness of said board.

Regarding claim 32, the prior art does not teach the claimed vibration motor including, inter alia, an end cap for closing an opening of said motor case at the side opposite to said eccentric weight and a pair of external connection terminal pieces attached to said end cap, said attaching means has a pair of legs straddling said motor case in its thickness direction, a leg connecting part connecting said pair of legs on said motor case, and feet formed at the bottom of said legs, and said attachment faces are the back surfaces of said feet.

Regarding claim 34, the prior art does not teach the claimed vibration motor including, inter alia, a board provided with a cutaway space or an open space, wherein a pair of attachment faces of said vibration motor is affixed to one surface of said board at the sides of said cutaway

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space or said open space, and said vibration motor is mounted with at least said motor body in a state sunken in said cutaway space or said open space.

Regarding claim 37, the prior art does not teach the claimed vibration motor including, inter alia, a distance between a center point of a line connecting said two points and a point where a diametrical line of said circular orbit passing through that center point intersects said circular orbit in a normal direction at a plane including said pair of attachment rails is at least the radius of said circular orbit and not more than the sum of said radius and the thickness of said board.

Regarding claim 38, the prior art does not teach the claimed vibration motor including, inter alia, said motor has a terminal blade mount for closing an opening of said motor housing at the side opposite to said eccentric weight and a pair of external connection terminal blades attached to said terminal blade mount, said attaching means has a pair of legs straddling said motor housing in its thickness direction, a leg connecting part connecting said pair of legs on said motor housing, and feet formed at the bottom of said legs, and said attachment rails are the back surfaces of said feet.

Regarding claim 40, the prior art does not teach the claimed vibration motor including, inter alia, a board provided with a cut-out or an open space, wherein a pair of attachment faces of said vibration motor are affixed to one surface of said board at the sides of said cut-out or said open space, and said vibration motor is mounted with at least said motor housing in a state sunken in said cut-out or said open space.

***Response to Arguments***

4. Applicant's arguments filed 05 November 2008 have been fully considered but they are not persuasive. Applicant argues that the attachment means and pair of attachment faces of the claimed invention are "part of the vibration motor". In contrast, it is argued, Narusawa's attaching means (holder frame) 30 and pair of attachment faces (holding spring pieces) 33 (Figs.1A-1D) are positioned on the circuit board 100 and receive the vibration motor body 20 and thus are not "part of the vibration motor." In other words, Narusawa's attaching means 30 is separate from the vibration motor 20 which it holds.

Applicant's argument is not persuasive for two reasons. First, when considered in light of the specification as originally filed, it is clear that the claimed invention's "attachment means" and "pair of attachment faces" are not "part of the vibration motor" as argued. It is noted that the term "motor body" (claim 29) is not in the original specification as filed. Specification paragraph 65 describes a motor with a "cylindrical external housing case 3" and shown in Fig.1. See also paragraph 78 and Fig.10 which describes a "motor made up of a substantially cylindrical external housing case 13". Thus, the claimed vibration "motor body" is taken to be the cylindrical external housing case 3/13. Further, note paragraph 88 and Fig.3 which describes a "holder [33] that covers the outside of the external housing case of the motor; the inside of the holder is formed in essentially the same shape as the outside of the external housing case 3". See paragraph 91 and Fig.3 where "holder" 33 is described as "cover[ing] the outside of the external housing case of the motor." See also applicant's amendments to the specification paragraph 91 made 05 November 2008, in particular the description: "The holder 33 may be alternatively referred to as an attachment means...." Thus, it is clear in light of the specification

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that the holder 33, i.e. the claimed “attaching means”, is not part of the vibration “motor body” 3/13 but rather a separate element which holds the vibration motor’s external housing body/housing case 3/13. The same holds true for the “motor housing” of claim 35 corresponding to the “external housing case” 3/13 of the specification and Figs.1,3&10.

Second, the language of claims 29 and 35, taken on its face, does not stipulate that the attaching means and pair of attachment faces are “part of the vibration motor” as argued. In fact, given that the attachment means is claimed as “supporting said motor body” and the attachment faces “[straddle] said motor shaft and [extend] in parallel with the same at two sides of a motor case” (claim 29), the language implies just the opposite, that these elements are separate from motor body. Thus, the feature upon which applicant relies, in addition to not being supported by the specification, is not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BURTON MULLINS whose telephone number is (571)272-2029. The examiner can normally be reached on 9-5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Quyen Leung can be reached on (571)272-8188. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BURTON MULLINS/  
Primary Examiner, Art Unit 2834

bsm  
05 December 2008